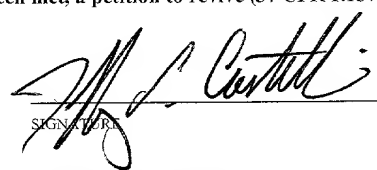


FORM PTO-1390 (REV 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEYS DOCKET NUMBER 1890-0018
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 09/936840
INTERNATIONAL APPLICATION NO. PCT/IE00/00034	INTERNATIONAL FILING DATE March 20, 2000	PRIORITY DATE CLAIMED March 18, 1999	
TITLE OF INVENTION A SURGICAL ACCESS DEVICE			
APPLICANT(S) FOR DO/EO/US Damien ROSNEY, Christy CUMMINS, Donal BERMINGHAM			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)). 4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (PCT Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)). <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 			
Items 11 to 20 below concern document(s) or information included:			
<ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A FIRST preliminary amendment. 14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A change of power of attorney and/or address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: <ol style="list-style-type: none"> 1.) International Preliminary Examination Report W/Amended Sheets and Claims 2.) World Publication WO 00/54677 Published September 21, 2000 3.) Two (2) Sheets of Drawings (Figs. 1-7) 4.) Application Data Sheet 			

U.S. APPLICATION NO (If known, see 37 CFR 1.50) Not Yet Assisted		INTERNATIONAL APPLICATION NO 936840 PCT/IE00/00032		ATTORNEYS DOCKET NUMBER 1890-0018	
21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1) – (5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. \$1000.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$860.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(3)) paid to USPTO \$710.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... \$690.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00				CALCULATIONS	PTO USE ONLY
				\$860.00	
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$ 860.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	12 - 20 =	-----	X \$18.00	\$ -----	
Independent claims	1 - 3 =	-----	X \$80.00	\$ -----	
MULTIPLE DEPENDENT CLAIM(S) (if applicable) Yes			+ \$270.00	\$ 270.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 1260.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL =				\$ 1260.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$ 1260.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) \$40.00 per property +				\$ -----	
TOTAL FEES ENCLOSED =				\$ 1260.00	
				Amount to be refunded:	\$
				charged:	\$
a. <input checked="" type="checkbox"/> A check in the amount of <u>\$1260.00</u> to cover the above fees is enclosed b. <input type="checkbox"/> Please charge my Deposit Account No <u>19-2380</u> in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-2380 (1890-0018)</u> . A duplicate copy of this sheet is enclosed					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO					
NIXON PEABODY LLP 8180 Greensboro Drive Suite 800 McLean, Virginia 22102			<div style="text-align: center;">  SIGNATURE Jeffrey L. Costellia NAME #35,483 REGISTRATION NUMBER JLC/sas September 18, 2001 </div>		

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09/936840

IC16 Rec'd PCT/PTO SEP 18 2001

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City of Residence:: County Offaly

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APPLICATION INFORMATION

Title Line One:: A SURGICAL ACCESS DEVICE

Total Drawing Sheets:: 2

Formal Drawings?:: Yes

Application Type:: Utility

Docket Number:: 741890-0018

Secrecy Order in Parent Appl.?:: No

REPRESENTATIVE INFORMATION

Registration Number One:: 35483

Registration Number Two:: 38285

Registration Number Three:: 45285

Registration Number Four:: 27997

Registration Number Five:: 20932

202010-04896550

09/936840

16 Rec'd PCT/PTO SEP 18 2001

PRIOR FOREIGN APPLICATIONS

Foreign Application One:: S990218 (Temp)

Filing Date:: 03-18-1999 ✓

Country:: IRELAND ✓

Priority Claimed:: Yes

Foreign Application Two:: PCT/IE00/00034 ✓

Filing Date:: 03-20-2000 ✓

Country:: IRELAND

Priority Claimed:: Yes

Source:: PrintEFS Version 1.0.1

2020-04-09 10:00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re **NATIONAL PHASE** Application of)
Damien ROSNEY et al) Attn: US/DO/EO
International Application No. PCT/IE00/00034)
International Filing Date: March 20, 2000)
For: A SURGICAL ACCESS DEVICE) Date: September 18, 2001

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Please preliminarily amend the subject application as follows:

IN THE CLAIMS:

Please note, the amended claims are presented below in their amended form. Further, as an Attachment to the Amendment the amendments to the claims are outlined using the conventional method of bracketing and underlining.

3. (AMENDED) A surgical device as claimed in claim 1, in which the sealing means is provided by a toroid cell (8) to engage the incision between the fixing means (6) and the body cavity engagement means (5).

10. (AMENDED) A surgical device as claimed in Claim 6 or 7, in which the external valve created by the inclusion of the foam shell is enhanced by the pressure of the induced gas passing up between the double walled tube and acting to force the opposing faces of film together outside the patients abdominal cavity.

11. (AMENDED) A surgical as claimed in Claim 1, in which the sealing means further incorporates a distal valve (31) for insertion into the body cavity.

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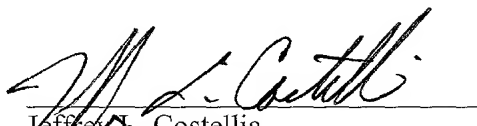
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REMARKS

The claims have been amended to correct the improper multiple dependencies and to place them in better condition for examination.

Examination on the merits is requested.

Respectfully submitted,



Jeffrey L. Costellia
Registration No. 35,483

NIXON PEABODY LLP
8180 Greensboro Drive, Suite 800
McLean, Virginia 22102
(703) 790-9110

JLC/sas

VERSION WITH MARKINGS TO SHOW CHANGES MADE**IN THE CLAIMS:**

3. (AMENDED) A surgical device as claimed in [any one the preceding claims] claim 1, in which the sealing means is provided by a toroid cell (8) to engage the incision between the fixing means (6) and the body cavity engagement means (5).

10. (AMENDED) A surgical device as claimed in Claim 6 [,] or 7 [or 8], in which the external valve created by the inclusion of the foam shell is enhanced by the pressure of the induced gas passing up between the double walled tube and acting to force the opposing faces of film together outside the patients abdominal cavity.

11. (AMENDED) A surgical as claimed in [any one of the preceding claims] Claim 1, in which the sealing means further incorporates a distal valve (31) for insertion into the body cavity.

2/prls

ART 34 AMDT

1

A SURGICAL DEVICE

The present invention relates to a surgical device for use in minimally invasive surgery of the type using patient pneumoperitoneum and an access port.

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Minimally invasive surgery of this type is carried out having introduced gas into a patient's body cavity through an incision and sealed the incision with an access port. The access port enables laproscopic and hand or instrument assisted surgery to be performed.

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A sleeve forming such a port is shown in WO-A-95/07056 entitled "Apparatus for use in surgery". The access port sleeve shown is used to create a controlled pressurized environment within the sleeve while allowing a surgeon's arm to pass through the sleeve. During surgery, gas is pumped into the patient's body cavity where the surgery is to be performed and the sleeve prevents gas escaping while allowing the surgeon to operate using minimally invasive surgery techniques. The application shows a sleeve having a flange at a distal end provided with adhesive for adhering the device to a patient's body or alternatively a mounting ring to surround the incision in a patient's body. While providing a suitable apparatus for performing such surgery the device described suffers from the principle disadvantage that in use, the sleeve protrudes upwardly from the patient and may interfere with the activities of the surgery team. Additionally, the sleeve must be sealed against the surgeon's upper forearm by clamping the device to the arm sufficiently tightly to avoid gas leak around the area of the seal. This presents the surgeon with a problem both in sealing the sleeve and in subsequent mobility.

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A further problem associated with the use of sleeves of the kind described is that a phenomenon known as "tenting" may occur. "Tenting" means that when the sleeve is adhered to the patient's skin or to a surgical drape and gas is induced into the patients abdominal cavity, there is a tendency for the sleeve to fill with gas and to pull away from the patient.

30

United States Patent Specification No. US-A-5 366 478 discloses a sealing device for endoscopic surgical procedures. In one embodiment, the device has two inflatable toroidal sections connected by a transition section. The device is partially inserted into an

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abdominal opening in a deflated state, and then inflated to provide a seal for obstructing the passage of gas from the abdominal cavity during endoscopic surgery. Endoscopic instruments, or alternatively, the surgeon's hand, can penetrate through the lumen of the toroidal sections of the device. The lumen then conforms to the shape of the instrument or
5 hand passed through it to maintain an adequate seal.

United Kingdom Patent Specification No. GB 2 275 420 discloses a medico-surgical system for access to a hollow viscus includes a member adapted to extend through an opening in the skin into the viscus of the patient so that one end of the member is located
10 within the viscus and the other end terminates adjacent the skin. Balloons are provided for retaining the one end of the member within the viscus. The balloons also act as sealing means, adapted to seal the opening whilst allowing intermittent access to the viscus by means of a catheter.

United States Patent Specification No. US 5 634 937 discloses a skin seal or trocar stabilizer with an inflatable balloon in the shape of a dumbbell, where the balloon may be stored within a cannula for easy placement in an incision and inflated to deploy the balloon inside the body, and a portion of the balloon expands inside the cannula, whereby medical instruments may be passed through the skin seal into a laparoscopic work space while the
20 balloon is inflated, thereby allowing the use of normal short surgical instruments during laparoscopic procedures and during insufflation.

United States Patent Specification No. US 5 636 645 discloses a method of performing surgery, which comprises making a first opening in a body cavity wall to permit entry of a
25 surgeon's gloved hand. Next, the surgeon's gloved hand is placed into the body cavity through the opening and a gas is infused into the body cavity through the first opening or through the second opening. The surgical procedure is performed and the surgeon's hand is removed from the body cavity. The surgeon's gloved hand can be provided with a sealant for engaging the sides or surrounding tissue of the first opening, thereby creating a
30 substantially gas-tight seal. The sealant can comprise an inflatable member circumferentially disposed around the forearm portion of the surgeon's glove or can

1b

comprise a disk having an adhesive on the distal surface for sealingly engaging the surrounding tissue of an opening in a body cavity wall.

5 United States Patent Specification No. US 5 514 133 discloses an endoscopic surgical apparatus for enabling a surgeon to access directly the surgical site during an endoscopic procedure. This apparatus includes an opening extending longitudinally through the apparatus and being configured and dimensioned to receive a hand therethrough. A first plate engages against the outer surface of the abdominal wall. A second plate is spaced from the first plate and is movable between a first position and a second position wherein 10 the second plate is in close cooperative alignment with the inner surface of the abdominal wall. An adjustment member is mounted to the second plate and actuates movement of the second plate between its first position and its second position. A first sealing member inhibits the flow of gas through said opening and is formed by a pair of overlapping seals. A flexible sleeve extends between the first and second plates and adjusts in length to 15 accommodate various thicknesses of the abdominal wall. The sleeve also creates an access port for the passage of objects through the abdominal wall.

Accordingly, the present invention provides a surgical device for use in minimally invasive surgery of the type using an inflated body cavity accessible to a surgeon through an access port, defined by the device, surrounding an incision in a patient's body, the device having:-

5

body cavity engagement means for insertion into the incision to locate the device in position;

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fixing means for attaching the device to a patients skin; characterized in that

the fixing means including a ring; characterized in that

the body cavity engagement means is adjustable by the positioning of the ring; and

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the positioning of the ring retracting the body cavity engagement means to define an access port and create a sealing means between the incision and the body cavity engagement means;

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the ring having an associated connector ring for receiving additional seals or medical instruments; and

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additional sealing means incorporating a foam shell to prevent substantial leakage of gas from the body cavity on inflation when in an inoperative position and formed to mould about a substantial portion of a surgeon's hand or surgical instrument on insertion in an operating position.

Preferably, the ring is an anchor ring formed for insertion into the incision.

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Ideally, the sealing means is provided by a toroid cell formed to engage the incision between the fixing means and the body cavity engagement means.

Preferably, the cell forms a bladder through which the surgeon may access the body cavity, the bladder being filled with a viscous or semi-viscous liquid.

Preferably, the bladder is filled with saline, gel or foam.

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The foam shell may be formed in two parts, or as a single part partially divided along one axis, the parts being movable relatively to allow a surgeon access to the body cavity.

10 In one arrangement the foam shell is formed by a plurality of individually disengageable layers. In this way the surgeon can adjust the height of the foam shell in response to particular needs by adding or removing foam layers. Thus a single device may be used on abdomens of varying thickness, enhancing flexibility of application. Furthermore, the rigidity created by the induced gas and foam apron allows for hand insertion and withdrawal without the aid of an assistant or requiring the surgeon to use the other hand.

15 Additionally, the external valve created by the inclusion of a foam shell is enhanced by the pressure of the induced gas passing up between the double walled tube and acting to force the opposing faces of film together outside the patients abdominal cavity.

20 Preferably, the sealing means further incorporates a distal valve for insertion into the body cavity.

Ideally, the distal valve includes a mechanical seal.

25 The invention will now be described more particularly with reference to the accompanying drawings, which show, by way of example only, various embodiments of a surgical device in accordance with the invention, in which:-

Fig. 1 is a top view of a surgical device in accordance with the invention;

30 Fig. 2 is a sectional view of the surgical device of Fig. 1 in the direction of the arrows A-A;

Fig. 3 is a sectional view similar to that shown in Fig. 2 showing the device in an inoperative position with a surgeon's hand approaching;

Fig. 4 is a sectional view as shown in Figs. 2 and 3 showing the device in an operating position with the surgeons hand in place;

5 Fig. 5 is a plan view of and alternative surgical device in accordance with the invention;

Fig. 6 is a front view of the surgical device of Fig. 5; and

10 Fig. 7 is an end view of the surgical device of Figs. 5 and 6.

Referring to the drawings, and initially to Figs. 1 to 4, there is illustrated a surgical device according to the invention, indicated generally by the reference numeral 1. The surgical device 1 is formed for use in minimally invasive surgery of the type using an inflated body cavity indicated generally by the reference numeral 2. The cavity 2 is accessible to a
15 surgeon through an access port, defined by the device 1, surrounding an incision in a patient's abdominal wall 3.

In more detail, the device 1 has a body cavity engagement means provided by an anchor
20 ring 5 for insertion into the incision to locate the device 1 in position. The device 1 is held in position on the patient's skin out side the body by a fixing means provided in this case by an adhesive web 6. The ring 5 and web 6 ensure that the device 1 is securely fixed in position and surround the incision. It will be noted that the web may be replaced by any functional equivalent to secure the device in position.

25 The web 6 has an associated connector ring 7 for receiving additional seals to prevent loss of pressure from the cavity 2. The connector ring 7 may also be used for holding or guiding medical instruments into position over or in the incision.

30 The device 1 has a sealing means, provided in this embodiment of the invention, by a saline filled toroid cell 8 connected between the anchor ring 5 and the web 6. The cell 8 is formed to prevent substantial leakage of gas from the body cavity 2 on inflation when in an

inoperative position see Figs. 2 and 3. The cell 8 is also formed to mould to a substantial portion of a surgeon's hand or surgical instrument when in an operating position (see Fig. 4). The cell 8 is also formed to allow for the removal of operative tissue when in an operating position with or without pneumoperitoneum established.

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It will be noted that the cell may be filled with any suitable material and represents a significant improvement over prior art devices, which are inflated with air. The use of a liquid such as a sealed saline bladder improves hygiene around the wound and responds more quickly to a movement by a surgeon's hand. Additionally the invention overcomes problems associated with inflatable bladders, which will leak air if under inflated or be overly restrictive to movement if over inflated.

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It will further be noted that the sealing means is described as a toroid or donut shaped cell, but that it could be equally provided as a lip shaped or elliptical cell tapering slightly at either end.

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In use, an incision is made in the abdominal wall 3 and the anchor ring 5 passed through the incision into the cavity 2. The anchor ring 5 is moved when in the cavity 2 such that the ring 5 surrounds the incision. The web 6 is then attached to the patients skin to fix the device 1 in position with the cell 8 being connected between the web 6 and the ring 5 and engaging the portions of the abdominal wall 3 exposed by the incision. The cell 8 seal the incision and the abdominal cavity 2 may be inflated as required by the surgeon to an inoperative position Fig.2. The surgeon can gain access to the cavity 2 losing a minimum of gas pressure by passing a hand or instrument through the center of the toroid or donut shaped cell 8. When the hand or instrument is in the operating position (Fig. 4) the cell moulds to the hand or instrument to prevent loss of pressure.

20

25

Referring now to Figs. 5 to 7 there is illustrated a further surgical device in accordance with the invention indicated generally by the reference numeral 20, in which parts similar to those identified with reference to Figs. 1 to 4 are identified by the same reference numerals generally. In this embodiment the sealing means is in two sections. A foam shell 28 is in this case formed in two parts to envelop the incision site. It will be understood that

30

the foam shell may equally be provided as a single part, divided or split along an axis. The parts of the shell 28 are movable relatively to allow a surgeon access to the body cavity and can be biased together to seal the cavity 2 when not in use. A sleeve 30 connected to the web 6 covers the shell 28 and passes into the cavity 2 and is terminated in the cavity 2 by a distal valve 31 having a mechanical seal 32. It will also be understood that the web 6 may equally be provided by an anchoring ring.

In use, the parts of the foam shell 28 are separated as before by the surgeon's hand or instrument and the foam moulds the shape of the inserted object to prevent loss of pressure.

The inserted object then travels through the sleeve 30 to the distal valve 31 inside the cavity 2 and opens the mechanical seal 32. When the task has been completed the inserted object is removed and the mechanical seal 32 being so biased closes. The pressure in the cavity 2 is such during procedures of this type to close the sleeve 30 along its length as the object is removed and a final seal is provided by the foam shell 28 decompressing when the object has been removed.

The use of a foam shell has a number of advantages over known systems. For example, trauma at the incision is minimised as shock associated with downward pressure when inserting the surgeon's hand is largely absorbed by the foam. Tenting is eliminated as the foam shell reduces the volume of gas in the proximal end of the sleeve. The foam may also be used to absorb liquids such as blood in a hygienic manner and may reduce the effect of blood and body fluids on the anchoring ring. Furthermore it is envisaged that the lifting action of the foam may be used to retract tissue or for creating additional anchoring forces or between the distal valve and the abdominal wall. The cell may also be formed in any suitable manner to allow for the removal of operative tissue during the course of an operation whether or not pneumoperitoneum has been established.

It will be noted that the sleeve and valve may incorporate means for preventing the sleeve returning through the incision accidentally. These means may include but are not limited to an angled flap or flaps on the distal valve, tensioning means in the sleeve such as weld lines or a physical connection to a body part including the abdominal wall.

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It will of course be understood that the invention is not limited to the specific details described herein, which are given by way of example only, and that various modifications and alterations are possible within the scope of the invention as defined in the appended claims.

CLAIMS:

1. A surgical device (1) for use in minimally invasive surgery of the type using an inflated body cavity (2) accessible to a surgeon through an access port, defined by the device (1), surrounding an incision in a patient's body, the device (1) having: -

body cavity engagement means (5) for insertion into the incision to locate the device (1) in position;

fixing means (5,6) for attaching the device to a patient's skin;

the fixing means including a ring; characterized in that

the body cavity engagement means is adjustable by the positioning of the ring (5);
and

the positioning of the ring (5) retracting the body cavity engagement means to define an access port and create a sealing means between the incision and the body cavity engagement means;

the ring having an associated connector ring (7) for receiving additional seals or medical instruments; and

additional sealing means incorporating a foam shell (28) to prevent substantial leakage of gas from the body cavity (2) on inflation when in an inoperative position and formed to mould about a substantial portion of a surgeon's hand or surgical instrument on insertion in an operating position.

2. A surgical device as claimed in Claim 1, in which the ring is an anchor ring (5) formed for insertion into the incision.

3. A surgical device as claimed in any one of the preceding claims, in which the sealing means is provided by a toroid cell (8) formed to engage the incision between the fixing means (6) and the body cavity engagement means (5).

5 4. A surgical device as claimed in Claim 3, in which the cell (8) forms a bladder through which the surgeon may access the body cavity, the bladder being filled with a viscous or semi-viscous liquid.

10 5. A surgical device as claimed in Claim 4, in which the bladder is filled with saline, gel or foam.

15 6. A surgical device as claimed in Claim 1, in which the foam shell (28) is provided as a single block defining a passageway therein, to allow communication between the exterior and the cavity (2).

7. A surgical device as claimed in Claim 1, in which the foam shell (28) is formed in two parts, or as a single part partially divided along one axis, the parts being movable relatively to allow a surgeon access to the body cavity (2).

20 8. A surgical device as claimed in Claim 1, Claim 6 or Claim 7, in which the foam shell (28) is formed by a plurality of individually disengageable layers, so that the surgeon can adjust the height of the foam shell in response to particular needs by adding or removing foam layers whereby a single device (1) may be used on abdomens of varying thickness, enhancing flexibility of application.

25 9. A surgical device as claimed in Claim 8, in which the rigidity created by the induced gas and foam apron allows for hand insertion and withdrawal without the aid of an assistant or requiring the surgeon to use the other hand.

30 10. A surgical device as claimed in Claim 6, 7 or 8, in which the external valve created by the inclusion of the foam shell is enhanced by the pressure of the induced gas passing

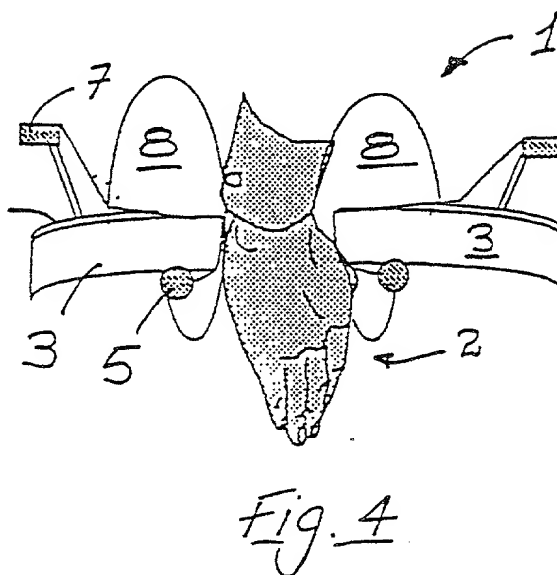
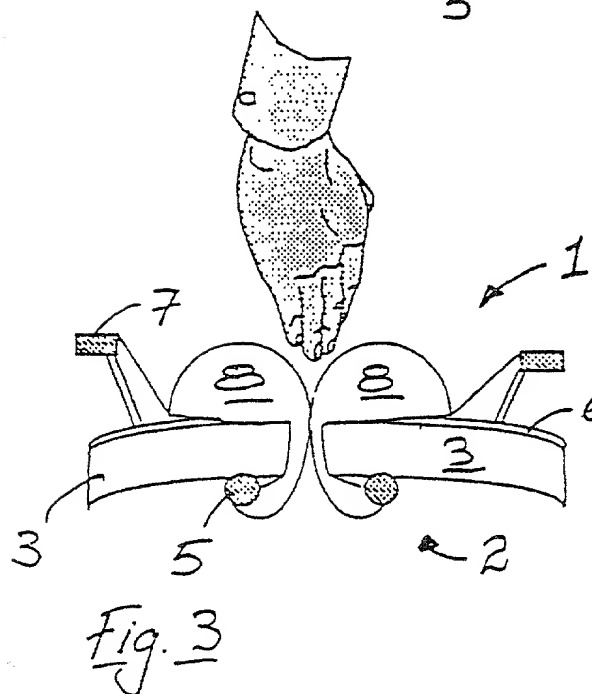
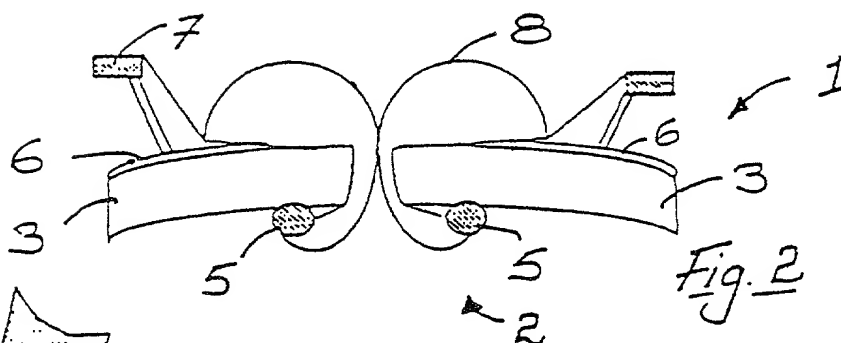
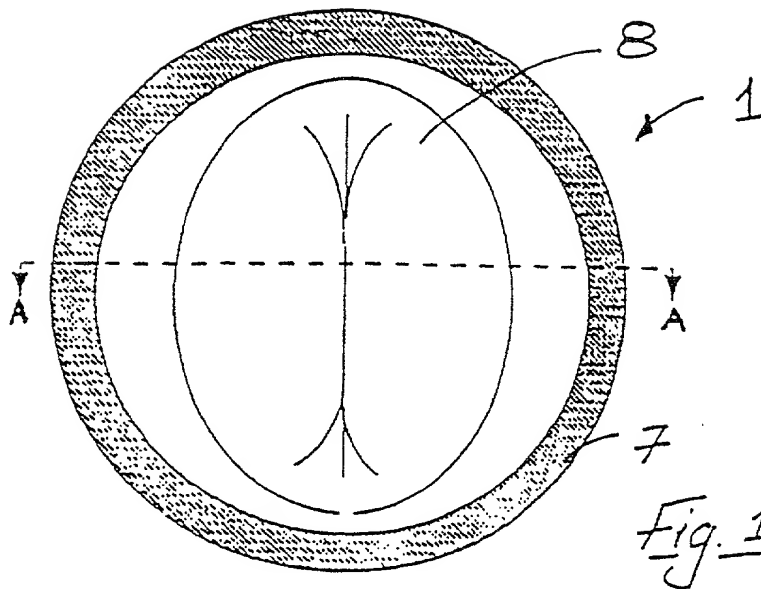
up between the double walled tube and acting to force the opposing faces of film together outside the patients abdominal cavity.

11. A surgical device as claimed in any one of the preceding claims in which the
5 sealing means further incorporates a distal valve (31) for insertion into the body cavity.

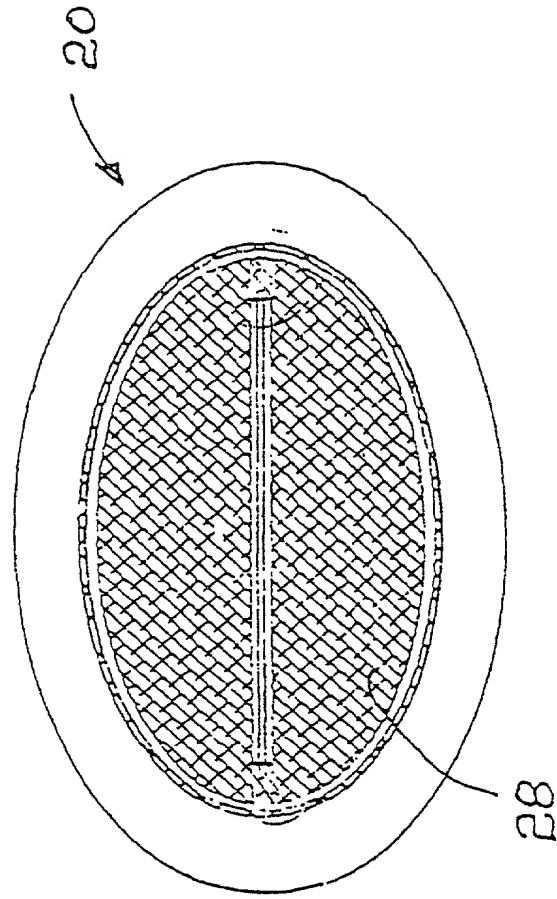
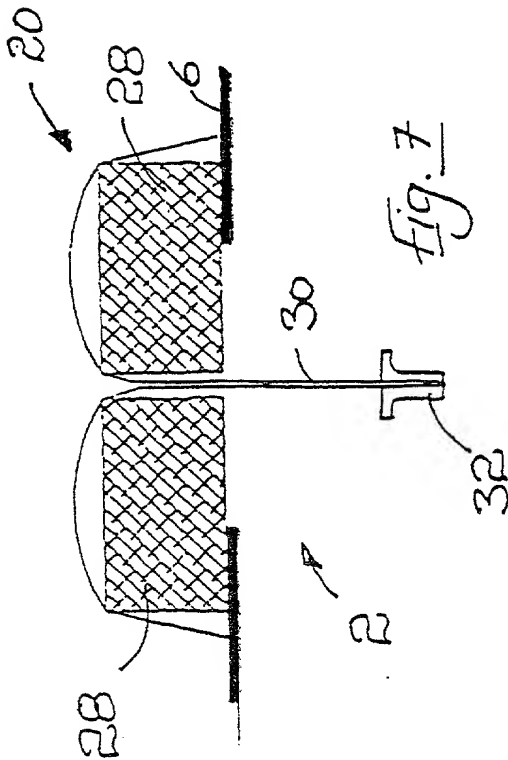
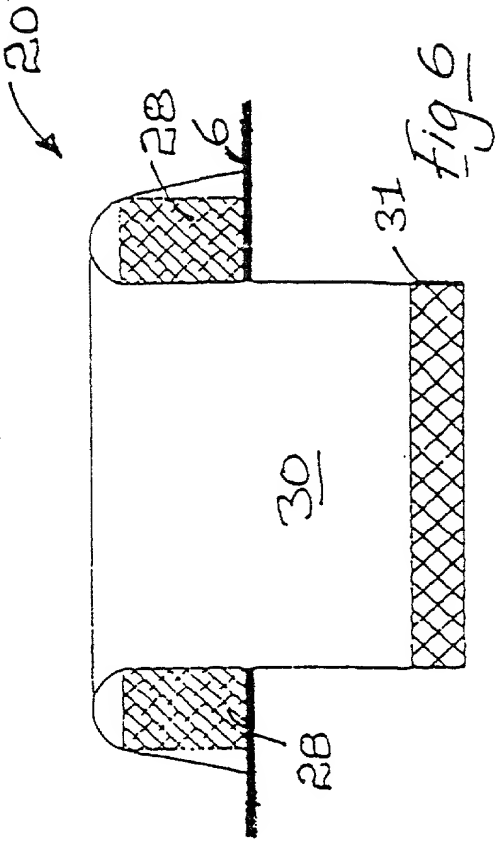
12. A surgical device as claimed in Claim 11, in which the distal valve (31) includes a mechanical seal (32).

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

As the below named inventor(s), I/we declare that:

Damien ROSNEY, Christy CUMMINS, Donal BERMINGHAM

This declaration is directed to:

☐ The attached application, or

☒ Application No. 09/936,840, filed on September 18, 2001

☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

1-00 Inventor one: Damien ROSNEY

Signature: *Damien Rosney*

Citizen of: *an Irish citizen*

2-00 Inventor two: Christy CUMMINS

Signature: *Christy Cummins*

Citizen of: *an Irish citizen*

3-00 Inventor three: Donal BERMINGHAM

Signature: *Donal Bermingham*

Citizen of: *an Irish citizen*

SEE THE INVENTOR INFORMATION SHEET FOR FURTHER INFORMATION

Inventor four: _____

Signature: _____

Citizen of: _____

☒ Additional inventors are being named on _____ additional form(s) attached hereto.

Burden Hour Statement This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Washington, DC 20231.